

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

**LISL J. CARO**  
**a.k.a. ELIZABETH JOAN CARO**  
**a.k.a. ELIZABETH JOAN BARTOSEK**

Applicant for Registered Nurse License

Respondent

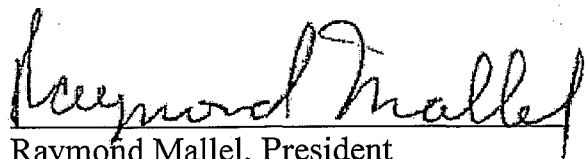
Case No. 2012 -717

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **December 7, 2012.**

IT IS SO ORDERED **November 7, 2012.**



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 LESLIE A. BURGERMYER  
Deputy Attorney General  
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7 *Attorneys for Complainant*

**ORIGINAL**

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
Against:  
12 **LISL J. CARO,**  
13 **aka ELIZABETH JOAN CARO**  
**aka ELIZABETH JOAN BARTOSEK**

Case No. 2012-717

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 Applicant for Registered Nurse  
15 Respondent.

16  
17 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") is the Interim Executive Officer of the  
21 Board of Registered Nursing, Department of Consumer Affairs, ("Board"). She brought this  
22 action solely in her official capacity and is represented in this matter by Kamala D. Harris,  
23 Attorney General of the State of California, by Leslie A. Burgermyer, Deputy Attorney General.

24 2. Respondent Lisl J. Caro, also known as Elizabeth Joan Caro and Elizabeth Joan  
25 Bartosek, ("Respondent") is represented in this proceeding by attorney Deborah L. Phillips, Esq.,  
26 whose address is: Deborah L. Phillips, Esq., 5424 - 10 Sunol Blvd., Suite 254, Pleasanton,  
27 California, 94566.

3. On or about October 24, 2011, Respondent filed an application dated October 15, 2011, with the Board to obtain a Registered Nurse License.

## JURISDICTION

4. Statement of Issues No. 2012-717 was filed before the Board and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on May 31, 2012.

5. A copy of Statement of Issues No. 2012-717 is attached hereto, marked Exhibit A, and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Statement of Issues No. 2012-717. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. 2012-717.

10. Respondent agrees that her Registered Nurse License is subject to denial and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

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1       3. **Report in Person.** Respondent, during the period of probation, shall appear in person at  
2 interviews and/or meetings as directed by the Board or its designated representatives.

3       4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or practice  
4 as a registered nurse outside of California shall not apply toward a reduction of this probation  
5 time period. Respondent's probation is tolled, if and when she resides outside of California.  
6 Respondent must provide written notice to the Board within fifteen (15) days of any change of  
7 residency or practice outside the state, and within thirty (30) days prior to re-establishing  
8 residency or returning to practice in this state.

9       Respondent shall provide a list of all states and territories where she has ever been licensed  
10 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
11 information regarding the status of each license and any changes in such license status during the  
12 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing  
13 license during the term of probation.

14       5. **Submit Written Reports.** Respondent, during the period of probation, shall submit or  
15 cause to be submitted such written reports, declarations, and and/or verification of actions under  
16 penalty of perjury, as required by the Board. These reports, declarations, and or verification of  
17 actions shall contain statements relative to Respondent's compliance with all the conditions of the  
18 Board's Probation Program. Respondent shall immediately execute all release of information  
19 forms as may be required by the Board or its representatives.

20       Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
21 state and territory in which she has a registered nurse license.

22       6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall  
23 engage in the practice of registered nursing in California for a minimum of twenty-four (24) hours  
24 per week for six (6) consecutive months or as determined by the Board.

25       For purposes of compliance with the section, "engage in the practice of registered nursing"  
26 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
27 non-direct patient care position that requires licensure as a registered nurse.

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1 The Board may require that advanced practice nurses engage in advanced practice nursing  
2 for a minimum of twenty-four (24) hours per week for six (6) consecutive months or as  
3 determined by the Board.

4 If Respondent has not complied with this condition during the probationary term, and  
5 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
6 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
7 extension of Respondent's probation period up to one (1) year without further hearing in order to  
8 comply with this condition. During the one (1) year extension, all original conditions of  
9 probation shall apply.

10 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain prior  
11 approval from the Board before commencing or continuing any employment, paid or voluntary,  
12 as a registered nurse. Respondent shall cause to be submitted to the Board all performance  
13 evaluations and other employment related reports as a registered nurse upon request of the Board.

14 Respondent shall provide a copy of this Decision to her employer and immediate  
15 supervisors prior to commencement of any nursing or other health care related employment.

16 In addition to the above, Respondent shall notify the Board in writing within seventy-two  
17 (72) hours after she obtains any nursing or other health care related employment. Respondent  
18 shall notify the Board in writing within seventy-two (72) hours after she is terminated or  
19 separated, regardless of cause, from any nursing, or other health care related employment with a  
20 full explanation of the circumstances surrounding the termination or separation.

21 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding  
22 Respondent's level of supervision and/or collaboration before commencing or continuing any  
23 employment as a registered nurse, or education and training that includes patient care.

24 Respondent shall practice only under the direct supervision of a registered nurse in good  
25 standing (no current discipline) with the Board, unless alternative methods of supervision and/or  
26 collaboration (e.g., with an advanced practice nurse or physician) are approved.

27 Respondent's level of supervision and/or collaboration may include, but is not limited to the  
28 following:

1 a. Maximum: The individual providing supervision and/or collaboration is present in the  
2 patient care area or in any other work setting at all times.

3 b. Moderate: The individual providing supervision and/or collaboration is in the patient  
4 care unit or in any other work setting at least half the hours Respondent works.

5 c. Minimum: The individual providing supervision and/or collaboration has person-to-  
6 person communication with Respondent at least twice during each shift worked.

7 d. Home Health Care: If Respondent is approved to work in the home health care setting,  
8 the individual providing supervision and/or collaboration shall have person-to-person  
9 communication with Respondent as required by the Board each work day. Respondent shall  
10 maintain telephone or other telecommunication contact with the individual providing supervision  
11 and/or collaboration as required by the Board during each work day. The individual providing  
12 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
13 patients' homes visited by Respondent with or without Respondent present.

14 **9. Employment Limitations.** Respondent shall not work for a nurse's registry, in any  
15 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,  
16 or for an in-house nursing pool.

17 Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
18 registered nursing supervision and other protections for home visits have been approved by the  
19 Board. Respondent shall not work in any other registered nursing occupation where home visits  
20 are required.

21 Respondent shall not work in any health care setting as a supervisor of registered nurses.  
22 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
23 and/or unlicensed assistive personnel on a case-by-case basis.

24 Respondent shall not work as a faculty member in an approved school of nursing or as an  
25 instructor in a Board approved continuing education program.

26 Respondent shall work only on a regularly assigned, identified and predetermined  
27 worksite(s) and shall not work in a float capacity.

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1 If Respondent is working or intends to work in excess of forty (40) hours per week, the  
2 Board may request documentation to determine whether there should be restrictions on the hours  
3 of work.

4 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and  
5 successfully complete a course(s) relevant to the practice of registered nursing no later than six  
6 (6) months prior to the end of her probationary term.

7 Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
8 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
9 above required course(s). The Board shall return the original documents to Respondent after  
10 photocopying them for its records.

11 11. **Violation of Probation.** If Respondent violates the conditions of her probation, the  
12 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order  
13 and impose the stayed discipline of revocation of Respondent's license.

14 If during the period of probation, an accusation or petition to revoke probation has been  
15 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
16 an accusation or petition to revoke probation against Respondent's license, the probationary  
17 period shall automatically be extended and shall not expire until the accusation or petition has  
18 been acted upon by the Board.

19 12. **License Surrender.** During Respondent's term of probation, if she ceases practicing  
20 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,  
21 Respondent may surrender her license to the Board. The Board reserves the right to evaluate  
22 Respondent's request and to exercise its discretion whether to grant the request, or to take any  
23 other action deemed appropriate and reasonable under the circumstances, without further hearing.  
24 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be  
25 subject to the conditions of probation.

26 Surrender of Respondent's license shall be considered a disciplinary action and shall  
27 become a part of Respondent's license history with the Board. A registered nurse whose license  
28 has been surrendered may petition the Board for reinstatement no sooner than the following

1 minimum periods from the effective date of the disciplinary decision:

2 a. Two (2) years for reinstatement of a license that was surrendered for any reason  
3 other than a mental or physical illness; or

4 b. One (1) year for a license surrendered for a mental or physical illness.

5 **12. Physical Examination.** Within forty-five (45) days of the effective date of this  
6 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or  
7 physician assistant, who is approved by the Board before the assessment is performed, submit an  
8 assessment of the Respondent's physical condition and capability to perform the duties of a  
9 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
10 medically determined, a recommended treatment program will be instituted and followed by the  
11 Respondent with the physician, nurse practitioner, or physician assistant providing written reports  
12 to the Board on forms provided by the Board.

13 If Respondent is determined to be unable to practice safely as a registered nurse, the  
14 licensed physician, nurse practitioner, or physician assistant making this determination shall  
15 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
16 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall  
17 immediately cease practice and shall not resume practice until notified by the Board. During this  
18 period of suspension, Respondent shall not engage in any practice for which a license issued by  
19 the Board is required until the Board has notified Respondent that a medical determination  
20 permits Respondent to resume practice. This period of suspension will not apply to the reduction  
21 of this probationary time period.

22 If Respondent fails to have the above assessment submitted to the Board within the forty-  
23 five (45) day requirement, Respondent shall immediately cease practice and shall not resume  
24 practice until notified by the Board. This period of suspension will not apply to the reduction of  
25 this probationary time period. The Board may waive or postpone this suspension only if  
26 significant, documented evidence of mitigation is provided. Such evidence must establish good  
27 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
28 provided. Only one such waiver or extension may be permitted.

1           **13. Participate in Treatment and/or Rehabilitation Program for Chemical**

2   **Dependence.** Respondent, at her expense, shall successfully complete during the probationary  
3   period or shall have successfully completed prior to commencement of probation a Board-  
4   approved treatment/rehabilitation program of at least six (6) months duration. As required,  
5   reports shall be submitted by the program on forms provided by the Board. If Respondent has not  
6   completed a Board-approved treatment/rehabilitation program prior to commencement of  
7   probation, Respondent, within forty-five (45) days from the effective date of the decision, shall be  
8   enrolled in a program. If a program is not successfully completed within the first nine (9) months  
9   of probation, the Board shall consider Respondent in violation of probation.

10       Based on Board recommendation, each week Respondent shall be required to attend at least  
11   one (1), but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics  
12   Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by  
13   the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent  
14   shall be added. Respondent shall submit dated and signed documentation confirming such  
15   attendance to the Board during the entire period of probation. Respondent shall continue with the  
16   recovery plan recommended by the treatment/rehabilitation program or a licensed mental health  
17   examiner and/or other ongoing recovery groups.

18       **14. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall  
19   completely abstain from the possession, injection or consumption by any route of all controlled  
20   substances and all psychotropic (mood altering) drugs, including alcohol, except when the same  
21   are ordered by a health care professional legally authorized to do so as part of documented  
22   medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)  
23   days, by the prescribing health professional, a report identifying the medication, dosage, the date  
24   the medication was prescribed, the Respondent's prognosis, the date the medication will no  
25   longer be required, and the effect on the recovery plan, if appropriate.

26       Respondent shall identify for the Board a single physician, nurse practitioner or physician  
27   assistant who shall be aware of Respondent's history of substance abuse and will coordinate and  
28   monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-

1 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report  
2 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances  
3 considered addictive have been prescribed, the report shall identify a program for the time limited  
4 use of any such substances.

5 The Board may require the single coordinating physician, nurse practitioner, or physician  
6 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive  
7 medicine.

8 **15. Submit to Tests and Samples.** Respondent, at her expense, shall participate in a  
9 random, biological fluid testing or a drug screening program which the Board approves. The  
10 length of time and frequency will be subject to approval by the Board. Respondent is responsible  
11 for keeping the Board informed of Respondent's current telephone number at all times.  
12 Respondent shall also ensure that messages may be left at the telephone number when she is not  
13 available and ensure that reports are submitted directly by the testing agency to the Board, as  
14 directed. Any confirmed positive finding shall be reported immediately to the Board by the  
15 program and Respondent shall be considered in violation of probation.

16 In addition, Respondent, at any time during the period of probation, shall fully cooperate  
17 with the Board or any of its representatives, and shall, when requested, submit to such tests and  
18 samples as the Board or its representatives may require for the detection of alcohol, narcotics,  
19 hypnotics, dangerous drugs, or other controlled substances.

20 If Respondent has a positive drug screen for any substance not legally authorized and not  
21 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
22 files a petition to revoke probation or an accusation, the Board may suspend Respondent from  
23 practice pending the final decision on the petition to revoke probation or the accusation. This  
24 period of suspension will not apply to the reduction of this probationary time period.

25 If Respondent fails to participate in a random, biological fluid testing or drug screening  
26 program within the specified time frame, Respondent shall immediately cease practice and shall  
27 not resume practice until notified by the Board. After taking into account documented evidence  
28 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may

1 suspend Respondent from practice pending the final decision on the petition to revoke probation  
2 or the accusation. This period of suspension will not apply to the reduction of this probationary  
3 time period.

4 **16. Mental Health Examination.** Respondent shall, within forty-five (45) days of the  
5 effective date of this Decision, have a mental health examination including psychological testing,  
6 as appropriate, to determine her capability to perform the duties of a registered nurse. The  
7 examination will be performed by a psychiatrist, psychologist or other licensed mental health  
8 practitioner approved by the Board. The examining mental health practitioner will submit a  
9 written report of that assessment and recommendations to the Board. All costs are the  
10 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a  
11 result of the mental health examination will be instituted and followed by Respondent.

12 If Respondent is determined to be unable to practice safely as a registered nurse, the  
13 licensed mental health care practitioner making this determination shall immediately notify the  
14 Board and Respondent by telephone, and the Board shall request that the Attorney General's  
15 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
16 practice and may not resume practice until notified by the Board. During this period of  
17 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
18 is required, until the Board has notified Respondent that a mental health determination permits  
19 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
20 probationary time period.

21 If Respondent fails to have the above assessment submitted to the Board within the forty-  
22 five (45) day requirement, Respondent shall immediately cease practice and shall not resume  
23 practice until notified by the Board. This period of suspension will not apply to the reduction of  
24 this probationary time period. The Board may waive or postpone this suspension only if  
25 significant, documented evidence of mitigation is provided. Such evidence must establish good  
26 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
27 provided. Only one such waiver or extension may be permitted.

28 ///

**17. Therapy or Counseling Program.** Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

## ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Deborah L. Phillips, Esq. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED:

July 9, 2012 Lisl J. Caro  
LISL J. CARO, aka ELIZABETH  
aka ELIZABETH JOAN BARR

LISL J. CARO, aka ELIZABETH JOAN CARO,  
aka ELIZABETH JOAN BARTOSEK  
Respondent

I have read and fully discussed with Respondent Lisl J. Caro the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED:

July 12, 2012 Murali Pillay

DEBORAH L. PHILLIPS, ESQ  
Attorney for Respondent

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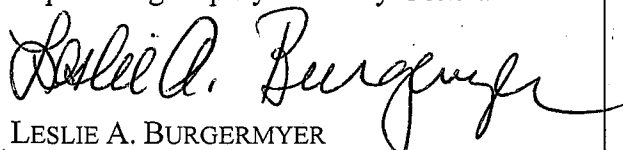
**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 7-19-2012

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
ARTHUR D. TAGGART  
Supervising Deputy Attorney General

  
LESLIE A. BURGERMYER  
Deputy Attorney General  
*Attorneys for Complainant*

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## **Exhibit A**

**Statement of Issues No. 2012-717**



1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 LESLIE A. BURGERMYER  
Deputy Attorney General  
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Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
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9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:

Case No. **2012-717**

12 **LISL J. CARO,**  
13 **aka ELIZABETH JOAN CARO**  
**aka ELIZABETH JOAN BARTOSEK**

**STATEMENT OF ISSUES**

14 Applicant for Registered Nurse

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely  
19 in her official capacity as the Interim Executive Officer of the Board of Registered Nursing  
20 ("Board"), Department of Consumer Affairs.

21 2. On or about October 24, 2011, the Board received an application for a registered  
22 nurse license from Lisl J. Caro, also known as Elizabeth Joan Caro and Elizabeth Joan Bartosek,  
23 ("Respondent"). On or about October 15, 2011, Respondent certified under penalty of perjury to  
24 the truthfulness of all statements, answers, and representations in the application. The Board  
25 denied the application on December 30, 2011.

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## STATUTORY AND REGULATORY PROVISIONS

3. Business and Professions Code ("Code") section 2736 provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

4. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct . . .

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof . . .

5. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof . . .

6. Code section 2765 states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a registered nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

7. Code section 480 states, in pertinent part:

1 (a) A board may deny a license regulated by this code on the grounds  
2 that the applicant has one of the following:

3 (1) Been convicted of a crime. A conviction within the meaning of this  
4 section means a plea or verdict of guilty or a conviction following a plea of nolo  
5 contendere. Any action that a board is permitted to take following the establishment  
6 of a conviction may be taken when the time for appeal has elapsed, or the judgment  
7 of conviction has been affirmed on appeal, or when an order granting probation is  
8 made suspending the imposition of sentence, irrespective of a subsequent order under  
9 the provisions of Section 1203.4 of the Penal Code.

10 (2) Done any act involving dishonesty, fraud or deceit with the intent to  
11 substantially benefit himself or another, or substantially injure another.

12 (3)(A) Done any act that if done by a licentiate of the business or  
13 profession in question, would be grounds for suspension or revocation of license.

14 (B) The board may deny a license pursuant to this subdivision only if the  
15 crime or act is substantially related to the qualifications, functions, or duties of the  
16 business or profession for which application is made . . .

17 8. California Code of Regulations, title 16, section 1444 states, in pertinent part:

18 A conviction or act shall be considered to be substantially related to the  
19 qualifications, functions or duties of a registered nurse if to a substantial degree it  
20 evidences the present or potential unfitness of a registered nurse to practice in a  
21 manner consistent with the public health, safety, or welfare. Such convictions or acts  
22 shall include but not be limited to the following:

23 (c) Theft, dishonesty, fraud, or deceit . . .

#### 24 **FIRST CAUSE FOR DENIAL**

##### 25 **(Criminal Convictions)**

26 9. Respondent's application is subject to denial pursuant to Code sections 2736, 2761,  
27 subdivision (f), and 480, subdivisions (a)(1) and (a)(3)(A), in that Respondent was convicted of  
28 crimes which are substantially related to the qualifications, functions, and duties of a registered  
nurse, as follows:

a. On or about August 24, 1999, in the criminal proceeding titled *State of Washington v. Elizabeth Joan Caro* (Dist. Ct. Kings County, 1999, Case No. CA09481FW), Respondent pled guilty to theft in the third degree, a misdemeanor. The circumstances of the crime are as follows: On or about September 28, 1998, Respondent was arrested for shoplifting various merchandise from a Bon Marche store.

1           b.    On or about August 24, 1999, in the criminal proceeding titled *State of Washington v.*  
2   *Elizabeth Joan Caro* (Dist. Ct. Kings County, 1999, Case No. C00009192/C00009193),  
3   Respondent pled guilty to criminal impersonation in the first degree and attempted theft, both  
4   misdemeanors. The circumstances of the crimes are as follows: On or about December 15, 1998,  
5   Respondent was walking through the parking lot of an apartment complex when she saw a  
6   woman struggling to carry her groceries and a young child to her apartment. The woman had left  
7   her purse sitting on the roof of her car and Respondent stole the purse. Later, Respondent  
8   attempted to use the woman's credit card to buy a pizza.

9           c.    On or about July 23, 2002, in the criminal proceeding titled *People v. Lisl J. Caro*  
10   (Super. Ct. San Joaquin County, 2002, Case No. TM102963A), Respondent pled nolo contendere  
11   to violating Vehicle Code sections 23103, subdivision (a)/23103.5, subdivision (a) (reckless  
12   driving originally charged as driving under the influence), a misdemeanor. The circumstances of  
13   the crime are as follows: On or about June 30, 2002, Respondent was drinking alcohol at a local  
14   bar. Respondent left the bar and drove her vehicle when she was stopped by local police for a  
15   broken headlight. Respondent submitted to field sobriety tests and was later taken to the police  
16   department for a breathalyzer test. Respondent reported to the Board that her blood alcohol level  
17   was 0.08 percent.

18          d.    On or about February 23, 2005, in the criminal proceeding titled *People v. Lisl J.*  
19   *Caro* (Super. Ct. San Joaquin County, 2005, Case No. TM106923A), Respondent pled nolo  
20   contendere to violating Penal Code section 484, subdivision (a) (petty theft), a misdemeanor. The  
21   circumstances of the crime are as follows: On or about December 18, 2004, Respondent was  
22   caught shoplifting several items from Wal-Mart. The incident occurred while Respondent was on  
23   probation for her conviction of July 23, 2002.

24                                   **SECOND CAUSE FOR DENIAL**

25                                   **(Use of Alcoholic Beverages to an Extent or in a Manner**

26                                   **Dangerous or Injurious to Oneself, Others, and the Public)**

27          10.   Respondent's application is subject to denial pursuant to Code sections 2736, 2761,  
28   subdivision (a), 2762, subdivision (b), and 480, subdivision (a)(3)(A), in that on or about July 23,

2002, Respondent consumed alcoholic beverages to an extent or in a manner dangerous or injurious to herself, others, and the public, as set forth in subparagraph 9 (c) above.

**THIRD CAUSE FOR DENIAL**

**(Conviction Related to the Consumption of Alcoholic Beverages)**

11. Respondent's application is subject to denial pursuant to Code sections 2736, 2761, subdivision (a), 2762, subdivision (c), and 480, subdivision (a)(3)(A), in that on or about June 30, 2002, Respondent was convicted of a criminal offense involving the consumption of alcoholic beverages, as set forth in subparagraph 9 (c) above.

**FOURTH CAUSE FOR DENIAL**

**(Dishonesty, Fraud or Deceit)**

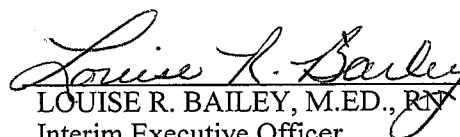
12. Respondent's application is subject to denial pursuant to Code section 480, subdivision (a)(2), in that Respondent committed acts involving dishonesty, fraud, or deceit with the intent to substantially benefit herself or another, or substantially injure another, as set forth in subparagraphs 9 (a), (b), and (d) above.

**PRAYER**

**WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Lisl J. Caro, also known as Elizabeth Joan Caro and Elizabeth Joan Bartosek, for a registered nurse license;
2. Taking such other and further action as deemed necessary and proper.

DATED: May 30, 2012

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant